IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

WEDNESDAY, THE 5TH DECEMBER 2007 / 14TH AGRAHAYANA 1929

WP(C).No. 21601 of 2006(V)

PETITIONER:

NEELIKKANDY PACKER,
S/O. KUNHAMMED HAJI, AGED 61,
GREEN VIEW, VELLARAMKUNNU, KALPETTA P.O.,
WAYANAD.

BY ADV. SRI.C.P.MOHAMMED NIAS

RESPONDENTS:

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1. KALPETTA MUNICIPALITY,
KALPETTA, WAYANAD DISTRICT, REPRESENTED
BY ITS SECRETARY.

2. KALPETTA NUSRATHUDHEEN MUSLIM SOCIETY
REGISTERED NO.S/NO.176/77 KALPETTA,
WAYANAD DISTRICT.

3. THE KERALA WAKF BOARD, NEAR
INTERNATIONAL STADIUM, KALOOR, ERNAKULAM,
REPRESENTED BY ITS CHEIF EXECUTIVE OFFICER.

BY ADV. SRI.P.A.ABDUL JABBAR, SC, WAKF BOARD
SRI.JOE JOSEPH KOCHIKUNNEL
SRI.P.SANJAY
SRI.M.MUHAMMED SHAFI

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 05/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C. KURIAKOSE, J.

W.P.(C)No. 21601 OF 2006

DATED THIS THE 5th December 2007

J U D G M E N T

Ext.P10 order is the order under challenge. In Ext.P10 it is decided by the Municipality that the petitioner's prayer to have a mutation of name in his favour in respect of building bearing Door No.12/184 can be considered only subject to the decision to be taken by a competent civil court in the light of dispute over title between the petitioner and the 2nd respondent. The 2nd respondent has filed a counter affidavit wherein the 2nd respondent concedes the petitioner's title to the building bearing Door No.12/184. I record the counter affidavit. On the basis of the admissions contained in the counter affidavit, I quash Ext.P10 and direct the Municipality to take a fresh decision on the petitioner's decision for mutating the name in the register in his favour in respect of building bearing Door No.12/184. This shall be done by the Municipality within three weeks from the date of receipt of a copy of this judgment. This writ petition is disposed of as above.

(PIUS C.KURIAKOSE, JUDGE)

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